

**From:** [Macdonald, Kathryn \(ENRD\)](#)  
**To:** [Yackulic, Ted](#)  
**Subject:** RE: Confidential FRE408 - RE: [External] contact information  
**Date:** Thursday, November 12, 2020 1:22:49 PM

---

(b)(5) Attorney Work Product

---

**From:** Yackulic, Ted <yackulic.ted@epa.gov>  
**Sent:** Thursday, November 12, 2020 4:20 PM  
**To:** Macdonald, Kathryn (ENRD) <KMacdonald@ENRD.USDOJ.GOV>  
**Subject:** FW: Confidential FRE408 - RE: [External] contact information

(b)(5) Attorney Work  
Product

---

**From:** Kurt Peterson <[kurt.peterson@pkglaw.com](mailto:kurt.peterson@pkglaw.com)>  
**Sent:** Thursday, November 12, 2020 1:04 PM  
**To:** Macdonald, Kathryn (ENRD) <[Kathryn.Macdonald@usdoj.gov](mailto:Kathryn.Macdonald@usdoj.gov)>; Yackulic, Ted <[yackulic.ted@epa.gov](mailto:yackulic.ted@epa.gov)>  
**Subject:** Confidential FRE408 - RE: [External] contact information

FRE 408 Settlement Communication/Confidential

Hi Kathryn (and Ted).

Good question. I represent numerous potentially responsible parties associated with the Former Rhone-Poulenc Site for periods prior to 1998. More specifically, I represent Bayer, which holds potential responsibility for the Pharmacia LLC (formerly Monsanto Chemical Company and the Monsanto Fund) operations/ownership period from approximately 1944- 1986, as well as potential responsibility for associated with the former Rhone Poulenc's (now Bayer CropScience) vanillin manufacturing operations period, which lasted from 1986-1991 after the sale of the facility from Monsanto to Rhone-Poulenc in 1986, and Rhone-Poulenc's ownership period, which ended when it sold the property in 1998 to Rhodia (now Solvay). Rhodia/Solvay sold the property to Container Properties LLC in 1998. While I do represent Bayer CropScience (who is a signatory to the FRPS RCRA AOC), I do not represent Solvay or Container Properties.

As you likely know, Bayer acquired Monsanto several years ago. This presented an emerging new opportunity to work on a more comprehensive and creative approach where Bayer, Bayer CropScience, Monsanto, Pharmacia, and other related stakeholders were willing to consider a more "holistic" and "results-oriented" approach through our Proactive Remediation & Restoration Proposal

I hope that helps answer your question. I'm happy to walk you through it in more detail if it would be helpful.

Thanks! Kurt.

Kurt Peterson  
Attorney

PKG Law, P.S.  
2701 First Ave, Suite 410  
Seattle, WA 98121  
206.257.5860

[kurt.peterson@pkglaw.com](mailto:kurt.peterson@pkglaw.com)  
[www.pkglaw.com](http://www.pkglaw.com)

---

**From:** Macdonald, Kathryn (ENRD) <[Kathryn.Macdonald@usdoj.gov](mailto:Kathryn.Macdonald@usdoj.gov)>  
**Sent:** Thursday, November 12, 2020 6:30 AM  
**To:** Yackulic, Ted <[yackulic.ted@epa.gov](mailto:yackulic.ted@epa.gov)>; Kurt Peterson <[kurt.peterson@pkglaw.com](mailto:kurt.peterson@pkglaw.com)>  
**Subject:** RE: [External] contact information

Hello Kurt - Thank you for our call. Could you confirm who you are represent regarding this possible proposed project at the former Rhone Poulenc Site and Slip 6? I meant to ask that after I inquired about Container Properties. Thanks much, Kathryn

**Kathryn C. Macdonald**  
**Senior Trial Attorney**  
**Telephone: 202-353-7397**

**REGULAR U.S. MAIL:**  
**U.S. Department of Justice**  
**Environment and Natural Resources Division**  
**Environmental Enforcement Section**  
**P.O. Box 7611**  
**Washington, D.C. 20044-7611**

**FEDERAL EXPRESS/OVERNIGHT MAIL ONLY:**  
**U.S. Department of Justice**  
**Environment and Natural Resources Division**  
**Environmental Enforcement Section**  
**4 Constitution Square**  
**150 M Street, NE, Suite 2.900**  
**Washington, DC 20002**

---

**From:** Yackulic, Ted <[yackulic.ted@epa.gov](mailto:yackulic.ted@epa.gov)>  
**Sent:** Tuesday, November 10, 2020 5:03 PM  
**To:** Kurt Peterson <[kurt.peterson@pkglaw.com](mailto:kurt.peterson@pkglaw.com)>

**Cc:** Macdonald, Kathryn (ENRD) <[KMacdonald@ENRD.USDOJ.GOV](mailto:KMacdonald@ENRD.USDOJ.GOV)>

**Subject:** contact information